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3 UNITED STATES DISTRICT COURT
4 SOUTHERN DISTRICT OF OHIO
5 WESTERN DIVISION
6 -----
7 DOUGLAS W. BAILLIE, :
8 Plaintiff, :
9 vs. : CASE NO.
10 CHUBB & SON INSURANCE: : C-1-02-062
11 Defendant :
12 -----

13 DEPOSITION OF: DIETER WILHELM WOLFGANG KORTE
14 TAKEN: By the Plaintiff
15 DATE: February 27, 2003
16 TIME: Commencing at 9:00 a.m.
17 PLACE: Offices of:
18 Freking & Betz
215 East Ninth Street
Fifth Floor
Cincinnati, Ohio 45202
21 BEFORE: RAYMOND E. SIMONSON
22 Registered Merit Reporter
Notary Public - State of Ohio
23
24

5 DIETER WILHELM WOLFGANG KORTE
6 CROSS-EXAMINATION BY MR. FREKING: PAGE

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1 APPEARANCES:
2 On behalf of the Plaintiff:
3 RANDOLPH H. FREKING, ESQ.
of
4 Freking & Betz
215 East Ninth Street
Fifth Floor
Cincinnati, Ohio 45202
6 On behalf of the Defendant:
7 DAVID T. CROALL, ESQ.,
of
8 Porter, Wright, Morris & Arthur
250 East Fifth Street, Suite 2200
Cincinnati, Ohio 45202-5117
11
12 STIPULATIONS
13 It is stipulated by and between counsel for
14 the respective parties that the deposition of DIETER
15 WILHELM WOLFGANG KORTE, a witness herein, may be taken at
16 this time by Counsel for the Plaintiff as upon
17 cross-examination pursuant to the Federal Rules of Civil
18 Procedure; that the deposition may be taken in stenotypy
19 by the notary public-court reporter and transcribed by him
20 out of the presence of the witness; that the transcribed
21 deposition is to be submitted to the witness for his
22 examination and signature; and that signature may be
23 affixed out of the presence of the notary public-court
24 reporter.

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1 DIETER WILHELM WOLFGANG KORTE
2 of lawful age, a witness herein, being first duly sworn as
3 hereinafter certified, was examined and testified as
4 follows:
5 CROSS-EXAMINATION
6 BY MR. FREKING:
7 Q. Hi, Dieter.
8 A. Hi.
9 Q. How you are you?
10 A. Good.
11 Q. We just met, but my name is Randy Freking,
12 and I represent Doug Baillie in connection with the matter
13 he's brought here in Federal Court in Cincinnati, and
14 we're here today to conduct your deposition.
15 Ray will take down your answers to various
16 questions. And we just ask you to consider, you know, the
17 questions as carefully as possible and take whatever time
18 you need to answer the questions. There's no time
19 deadline whatsoever. I know you've got to leave by 11:20,
20 but that doesn't mean we have to finish by that time.
21 A. Okay.
22 Q. We can always resume on another date. So
23 take whatever time you need to answer questions today.
24

Exhibit J

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1 MR. CROALL: Object on the speculation and 2 hypothetical. 3 But you can answer if you can. 4 A. No. 5 Q. It sounds like your discomfort was caused by 6 the fact Pesce was there. 7 A. Right. 8 Q. Now let me ask you: Did he say anything -- 9 first of all, did you take -- 10 A. Can I just add to that last? 11 Q. Sure. 12 A. I was not comfortable sharing financial 13 results with him because he no longer worked for the 14 organization, but I felt that -- 15 Q. Oh, I see. 16 A. -- in vague terms I could probably relate to 17 him what was going on. 18 Q. That's fair. Do you disagree -- do you 19 think his statement, or in substance his statement that "I 20 laid the groundwork" -- do you think that was 21 fundamentally false? 22 THE WITNESS (to Mr. Croall): Do I answer 23 that? 24 MR. CROALL: If you can.	1 Q. Okay. 2 A. Pretty much out of character. 3 Q. Pretty much out of character? 4 A. Yes. 5 Q. Okay. 6 A. The way I had observed Doug in the past, 7 interacted with him. 8 Q. His personality seemed different? 9 A. Yeah. 10 Q. How long do you think this conversation was? 11 A. Five, ten minutes. 12 Q. Was he like animated during this 13 conversation? Like how people get when they get upset? 14 Kind of arms going more than usual? 15 A. No. I don't think he used his arms. 16 Q. Any other ways that you could tell that he 17 was like just upset or uncomfortable? 18 A. It was probably the tone of his voice and 19 kind of just the way he made the comment, but I'm 20 speculating on that. I mean, to me it appeared that he 21 was upset. 22 Q. Were you surprised about that, given that it 23 was maybe two, three months after the fact and he was 24 still upset or bitter?
1 Q. Do you agree or disagree with that? 2 A. It wasn't completely false. I mean, he was 3 the branch manager. We performed a cleanup of the book 4 while he was a branch manager. 5 Q. So it's probably a fair statement? 6 A. It's -- yeah. I mean, he was in charge of 7 the branch at the time. 8 Q. Okay. 9 A. The cleanup of the book was performed, so... 10 Q. Now, how would you characterize the 11 statement that "they kicked me out the door"? 12 Do you think that's true or false? 13 A. I -- I would tell you that I didn't know 14 these -- you know, the reasons surrounding his departure, 15 so I couldn't tell that they kicked him out the door or 16 not. That was his comment to me. 17 Q. You just knew he was out the door? 18 A. That's correct. 19 Q. And you said he was very bitter? 20 A. Yeah. 21 Q. Okay. 22 A. He was upset, very -- I would characterize 23 it -- if I can do that, I would characterize it as very 24 unusual for the way I had perceived Doug.	1 A. Was I surprised at the time? 2 Q. Were you kind of surprised at his tone? 3 Q. Were you expecting -- 4 A. Well, I mean, given the phone call that I 5 had received the last day of his employment and that 6 reaction, yeah, it was surprising. Like I said, I mean, 7 it appeared out of character. 8 Q. Anything else you recall from that 9 conversation in the sense that he appeared to be upset in 10 any other manner? Was he -- you know, could you just -- 11 could you kind of tell by facial expression? 12 A. I could tell from probably the tone of his 13 voice more than anything else. 14 Q. You could tell -- 15 A. And just the way he described like, "I got 16 kicked out the door." I mean, that to me symbolizes 17 somebody upset rather than somebody who is happy with his 18 current state. 19 Q. You could tell he was hurt? 20 A. I could tell he was upset, yeah. 21 Q. Okay. Anything else you remember about 22 that? Anything about his -- the way he looked? The way 23 he acted? 24 A. I mean, he was wearing a suit.